

**DURHAM CITY COUNCIL WORK SESSION
THURSDAY, MAY 24, 2007 – 1:00 P.M.
Committee Room – 2nd Floor – City Hall**

SUBJECT: DUKE LACROSSE CASE – THIRD PARTY INVESTIGATION

Mayor Bell provided Council with the following memo from the State Bureau of Investigation [SBI]:

May 22, 2007

MEMORANDUM

TO: Attorney General Roy Cooper

FROM: Director Robin P. Pendergraft

SUBJECT: Durham City Request

As a result of a request from Durham Mayor Bill Bell, you asked the State Bureau of Investigation to provide a list of law enforcement investigators, who, in our opinion, could provide an equitable and professional inquiry into the actions taken during the course of a recent criminal investigation conducted by the Durham Police Department. In that regard, you will find attached a list of a number of local law enforcement agencies and the name of one retired police chief which can be submitted to Mayor Bell for consideration.

This list offers you the choice of convening a panel of experienced law enforcement investigators who understand the criminal law, modern investigative techniques, and sound law enforcement policies and procedures. The list provided is not all-inclusive as many local agencies have competent investigators who would be equal to the task. We selected agencies that are within easy driving distance to Durham. Also, the departments listed include agencies of sufficient size that a commitment such as this could be accomplished without an undue manpower burden.

Based upon our experience, the listed agencies employ competent and experienced investigators who should be able to devote the necessary time and expertise to complete such an appraisal. Due to the time and effort required to organize such a group, conduct such a review and to prepare a final report, we have included the name of a retired law enforcement officer with an appropriate background and supervisory experience for consideration as chair.

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The SBI has contacted the police chiefs from the agencies listed and all have indicated that they would be willing to discuss this proposal with Durham officials. If you need additional information from the SBI, we will gladly assist you.

RPP:kj

Mayor Bell made comments on the Investigator Panel who consisted of local current and former Police Chiefs. He noted all members have indicated an interest in serving and will identify the Chair as soon as he has agreed to serve.

Council held discussion on the following topics:

- Structure/guidelines of the Third Party Committee
- Staffing for Third Party Committee
- Unanswered questions--Not clear on who was leading the investigation, etc.
- Purpose of having a Third Party Committee
- Defining scope and dollar value before moving forward
- Timeline for Third Party Committee
- List of Panel Investigators [Current and former Police Chiefs from the area]
- Not allowing the Police Department to respond to unanswered questions before utilizing an outside panel

A motion was made by Council Member Stith to suspend the rules and call for the resignation of District Attorney Nifong. Motion dies for a lack of a second.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the city Council and take action on the above-mentioned subject was approved at 3:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to add this item to the agenda was approved at 3:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: Council Member Catotti. Absent: None.

A motion was made by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to establish an independent party using list [Investigator Panel] as a core for such investigation to investigate the activities of the Police Department and the District Attorney's Office with respect to the Duke Lacrosse case with the scope and other details to be determined at a later date.

Council Member Woodard made a friendly amendment to schedule a Special City Council Meeting on June 1, 2007 at 11:00 am to define the scope, budget, membership and other matters related to the third party investigation of the Duke Lacrosse case.

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Friendly amendment was accepted.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to establish an independent party using list [Investigator Panel] as a core for such investigation to investigate the activities of the Police Department and the District Attorney's Office with respect to the Duke Lacrosse case; and

To schedule a Special City Council Meeting on June 1, 2007 at 11:00 am to define the scope, budget, membership and other matters related to the third party investigation of the Duke Lacrosse case was approved at 4:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: Council Member Catotti. Absent: None.

SUBJECT: BUTNER ADVISORY COUNCIL – INCORPORATION OF BUTNER, NORTH CAROLINA

To receive comments from James C. Wrenn, Jr. regarding the Incorporation of Butner, North Carolina; and

To adopt a Resolution in Support of the Incorporation of Butner.

James Wrenn, representing the Butner Advisory Council, introduced several members of the Butner Advisory Council and made comments urging Council to adopt the resolution supporting the incorporation of Butner.

Mayor Bell asked if there was anything that would be placed into legislation that would prevent Butner from annexing any part of Durham.

City Attorney Blinder noted revisions have been made to the resolution that would address concerns for now and there would be a section included in the legislative program next year to amend the Charter to address this issue.

James Wrenn, representing the Butner Advisory Council, stated they do not have any objection and without Durham's permission they would not annex into Durham County.

City Attorney Blinder gave an overview of the resolution with conditions.

Discussion was held on the issue of the crossover deadline.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 4:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to receive comments from James C. Wrenn, Jr. regarding the Incorporation of Butner, North Carolina; and

To adopt a Resolution in Support of the Incorporation of Butner, with conditions was approved at 4:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9460

SUBJECT: AMENDMENT #6 TO LEASE AGREEMENT WITH DURHAM BULLS BASEBALL CLUB, INC.

MOTION by Council Member Clement seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 4:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute Amendment #6 to Lease Agreement for the Durham Bulls Athletic Park with the Durham Bulls Baseball Club, Inc.; and

To authorize the City Manager to modify the agreement before execution provided that modifications are consistent with the general intent of the existing version of the agreement was approved at 4:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: RESOLUTION ON SUPPLEMENTAL FUNDING FOR THE ENO GREENWAY PROJECT

MOTION by Council Member Clement seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 4:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

MOTION by Council Member Woodard seconded by Council Member Catotti to adopt a Resolution to amend the Municipal Agreement on E-2549 (Eno River Greenway) to receive \$400,000.00 in supplemental funding from the Department of Transportation;

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To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement; and

To adopt an Ordinance Amending the General Capital Project Ordinance, Fiscal Year 2006-07, as amended, the same being Ordinance #13271 was approved at 4:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9459

Ordinance #13413

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk